

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

RICHARD DENVER HINMAN,

Plaintiff,

vs.

GREG GIANFORTE,

Defendant.

CV-24-33-BU-BMM-JTJ

ORDER

Plaintiff Richard Denver Hinman (“Hinman”) has brought this action against “Governor Gifortea,” apparently Governor Greg Gianforte of Montana. (Doc. 1.) Hinman, proceeding pro se, has moved for the Court to return the \$405.00 filing fee he paid to open his case. (Doc. 3.)

Title 28 Section 1914 of the United States Code requires the clerks of district courts to require payment of a filing fee by parties instituting any civil action. “[A] district court lacks the authority to refund a filing fee after a voluntary dismissal.” *Duclairon v. LGBTQ Cmty. & Grace Cmty. Church Klan*, No. 3:18-CV-01095-AC, 2018 WL 5085754, at *1 (D. Or. Oct. 17, 2018); *see Mangram v. Darden*, No. 2:16-CV-49, 2016 WL 7366883, at *1 (S.D. Ga. Dec. 19, 2016) (collecting cases); *see also Edwards v. Arnone*, No. 3:11-CV-01537 (SRU), 2023 WL 4548761, at *2 (D. Conn. June 28, 2023) (discussing mandated filing fee under the Prison

Litigation Reform Act, denying return of filing fee, and concluding that while the court was “sympathetic to [the plaintiff proceeding *in forma pauperis*’s) request[, n]evertheless, the statute mandates that outcome”); *Goins v. Decaro*, 241 F.3d 260, 260-262 (2d Cir. 2001). Hinman expresses disappointment with the Court’s management of this case but does not move to voluntarily dismiss the case. *See* (Doc. 3.) Hinman cites no authority supporting the propriety or lawfulness of a return of his filing fee. *See Duclairon* at *1 (“Nothing in [28 U.S.C. 1914], or any other statute, provides for the refund of a filing fee for any reason [. . .] Plaintiff does not identify, nor does the court find, any precedent permitting the court to refund filing fees in this situation”). Because the action remains open, and because Hinman would not be entitled to the return of his paid filing fee were he to voluntarily dismiss this action,

ORDER

Accordingly, **IT IS ORDERED** that:

Hinman’s Motion for Return of Filing Fee (Doc. 3) is **DENIED**.

DATED this 29th day of July, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court